

REDACTED

BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

ROBERT B. STEWART, M.D.
1306 Pomona Avenue
Crockett, CA 94525

Certificate No. C-23480

Respondent.

No. D-2281

N 12758

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Board of Medical Quality
Assurance as its Decision in the
above-entitled matter.

This Decision shall become effective on August 2, 1979.

IT IS SO ORDERED July 3, 1979.


A. DAVID AXELROD, M. D.
Secretary-Treasurer

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STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
ROBERT B. STEWART, M.D.)	No. D-2281
1306 Pomona Avenue)	
Crockett, CA 94525)	N 12758
Certificate No. C-23480)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before Philip V. Sarkisian, administrative law judge of the Office of Administrative Hearings, at San Francisco, California, on May 22, 1979. The complainant was represented by Kenneth L. Freeman, deputy attorney general. The respondent appeared in person without counsel. Oral and documentary evidence was introduced and the record was held open to permit respondent to submit additional documentary evidence. Upon receipt thereof, the case was submitted.

The following decision is proposed, certified, and recommended for adoption:

FINDINGS OF FACT

I

Robert Rowland is the executive director of the Board of Medical Quality Assurance, State of California (hereinafter the "Board"), and made the charges and allegations in his official capacity and not otherwise.

II

On or about October 13, 1961, respondent Robert B. Stewart, M.D., was issued physician and surgeon certificate No. C-23480 by the Board. At all times material herein, said certificate has been in full force and effect.

III

Business and Professions Code section 2416 provides as follows:

"Whenever it appears to the Division of Medical Quality that a person holding a certificate under this chapter is mentally ill to the extent that it may affect his ability to conduct with safety to the public the practice authorized by such certificate, the division may order the certificate holder to be examined by one or more physicians specializing in psychiatry designated by the division. The report of such persons shall be made available to the certificate holder and may be received as direct evidence in a proceeding conducted pursuant to section 2417."

IV

On or about June 14, 1978, a petition was filed with the Division of Medical Quality of the Board (hereinafter the "Division") pursuant to said section 2416. Thereafter an order for psychiatric examination was issued by the Division in proceeding No. P-15, directing respondent to be examined in accordance with section 2416.

V

Business and Professions Code section 2417 provides, inter alia, that if a certificate holder becomes mentally ill to such an extent as to affect his ability to conduct with safety the practice authorized by his certificate, the Division may take action against that certificate by placing it on probation, placing it under suspension, revoking it, or taking such other action in relation to the certificate as is deemed proper in the Division's discretion.

VI

Respondent's certificate is subject to the provisions of said section 2417, in that:

a) On or about July 27, 1978 and August 4, 1978, respondent was examined by G. N., M.D., pursuant to the Division's order referred to in paragraph IV. A copy of Dr. N.'s report was made available to respondent on or about September 19, 1978;

b) In summary, it was found in that report that respondent had had a prior schizophrenic episode that was controlled or in remission at the time of the examination. It was further found that this could recur or be exacerbated in the future, and therefore

it was recommended that respondent be monitored through psychiatric treatment and/or by other restrictions on his certificate to practice medicine. A copy of Dr. N's report of August 28, 1978 is attached hereto and marked exhibit "A." Also included as part of exhibit "A" is a report dated August 4, 1978 from Dr. Immergluck. This report is referred to by Dr. N in his own report.

c) An additional psychiatric examination of respondent was conducted by Dr. F. L. B., a qualified psychiatrist. This report and examination was made at the request of Dr. Stewart and officials of the Board. Dr. B states in his report, attached hereto as exhibit "B," that respondent's condition is about the same as his last interview with Dr. N. That is, respondent appears to have a psychotic disorder which is in remission. There is a good potential for a recurrence of the past psychotic episode.

d) Although both Dr. N and Dr. B recommend psychiatric treatment, Dr. Stewart is not receptive thereto. He does not seem to be aware of the serious nature of his mental condition.

e) Dr. Stewart practices alone in the east bay area. He sees only a few patients each week and is having serious financial problems. He is not presently active in any medical societies. He carries no malpractice insurance. He is not receptive to suggestions that he seek psychiatric care or that he practice in a structured, supervised environment.

DETERMINATION OF ISSUES

Respondent is mentally ill to such an extent as to affect his ability to conduct with safety the practice of medicine.

ORDER

Respondent's certificate is revoked.

DATED: 12 June 1979

Philip V. Sarkisian

PHILIP V. SARKISIAN
Administrative Law Judge

PVS:map

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BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE

DIVISION OF MEDICAL QUALITY

STATE OF CALIFORNIA

11	In the Matter of the Accusation)	NO. D-2281
12	Against)	
13	ROBERT B. STEWART, M.D.)	<u>ACCUSATION</u>
14	1306 Pomona Avenue)	
15	Crockett, CA 94905)	
16	Certificate No. C-23480)	
	Respondent.)	

17 Robert Rowland, complainant herein, charges and
 18 alleges as follows:

19 1. He is the Executive Director of the Board of
 20 Medical Quality Assurance, State of California (hereinafter
 21 the "Board"), and makes these charges and allegations in his
 22 official capacity and not otherwise.

23 2. On or about October 13, 1961, respondent
 24 Robert B. Stewart, M.D., was issued physician and surgeon
 25 certificate No. C-23480 by the Board. At all times material
 26 herein, said certificate has been in full force and effect.

27 3. Business and Professions Code section 2415
 28 provides as follows:

1 "Whenever it appears to the Division of
2 Medical Quality that a person holding a certifi-
3 cate under this chapter is mentally ill to the
4 extent that it may affect his ability to
5 conduct with safety to the public the practice
6 authorized by such certificate, the division
7 may order the certificate holder to be
8 examined by one or more physicians specializing
9 in psychiatry designated by the division. The
10 report of such persons shall be made available
11 to the certificate holder and may be received
12 as direct evidence in a proceeding conducted
13 pursuant to Section 2417."

14 4. On or about June 14, 1978, a petition was filed
15 with the Division of Medical Quality of the Board (hereinafter
16 the "Division") pursuant to said section 2416. Thereafter an
17 order for psychiatric examination was issued by the Division
18 in proceeding No. P-15, directing respondent to be examined
19 in accordance with section 2416. Copies of the petition and
20 order are attached hereto as Exhibits "A" and "B" respectively,
21 and are incorporated herein by reference as though set forth
22 in full.

23 5. Business and Professions Code section 2417
24 provides, inter alia, that if a certificate holder becomes
25 mentally ill to such an extent as to affect his ability to
26 conduct with safety the practice authorized by his certificate,
27 the Division may take action against that certificate by placing

1 it on probation, placing in under suspension, revoking it, or
2 taking such other action in relation to the certificate as is
3 deemed proper in the Division's discretion.

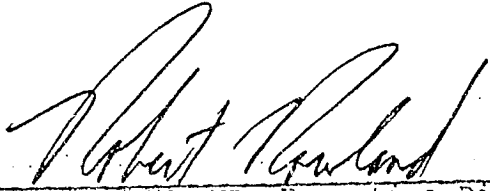
4 6. Respondent's certificate is subject to the
5 provisions of said section 2417, in that:

6 (a) On or about July 27, 1978, and August 4, 1978,
7 respondent was examined by G. N., M.D., pursuant to the
8 Division's order, Exhibit "B". A copy of Dr. N.'s report was
9 made available to respondent on or about September 19, 1978;

10 (b) In summary, it was found in that report that
11 respondent had had a prior schizophrenic episode that was
12 controlled or in remission at the time of the examination.
13 It was further found that this could recur or be exacerbated
14 in the future, and therefore it was recommended that respondent
15 be monitored through psychiatric treatment, and/or by other
16 restrictions on his certificate to practice medicine.

17 THEREFORE, complainant prays that a hearing be held
18 and that thereafter the Division take such action against
19 respondent's certificate as is deemed reasonable and proper.

20 DATED: January 18, 1979

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22 
23 ROBERT ROWLAND, Executive Director
24 Board of Medical Quality Assurance
25 State of California

26 Complainant.
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